

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ACADEMY OF ALLERGY & ASTHMA
IN PRIMARY CARE and UNITED
BIOLOGICS, LLC, d/b/a UNITED
ALLERGY SERVICES,

Plaintiffs,

VS.

AMERICAN ACADEMY OF ALLERGY
ASTHMA & IMMUNOLOGY, ET AL.,

Defendants.

CIV. NO. 5:14-CV-00035-OLG

**DEFENDANTS PHADIA US INC. AND THERMO FISHER
SCIENTIFIC INC.'S DESIGNATION OF EXPERT WITNESSES**

Pursuant to Federal Rule of Civil Procedure 26(a)(2), the Court’s Order Granting the Parties’ Joint Motion to Extend Expert Report Deadlines (Dkt. 246), and by agreement of the parties, Defendants Phadia US Inc. and Thermo Fisher Scientific Inc. identify the following expert witnesses who may testify concerning the claims asserted by Plaintiffs Academy of Asthma and Allergy in Primary Care and United Biologics, LLC d/b/a United Allergy Services (collectively, “Plaintiffs”) against Defendants:

David M. Eisenstadt, Ph.D.
Managing Director
Navigant Economics
1200 19th Street, NW, Suite 700
Washington, D.C. 20036

Dr. Eisenstadt may testify regarding the claims and damages asserted by Plaintiffs and may provide an analysis of the opinions and conclusions drawn by Plaintiffs' experts, Dr. Donald House and Dr. Peter Boland. Dr. Eisenstadt's opinions are more fully described in his report,

which is being served contemporaneously on all counsel of record. The basis and reasons for Dr. Eisenstadt's opinions and the data and other information considered by Dr. Eisenstadt in forming those opinions are also described in the contemporaneously served report. Dr. Eisenstadt's qualifications, including a list of all publications authored in the previous 10 years, as well as a list of all other cases in which Dr. Eisenstadt has testified as an expert at trial or by deposition during the previous 4 years, are also included in the report. The compensation to be paid for Dr. Eisenstadt's study and testimony is described in the report.

Steven N. Wiggins, Ph.D.
Senior Consultant
Charles River Associates
1716 Briarcrest Drive, Suite 600
Bryan, Texas 77802

Dr. Wiggins may testify regarding the claims and damages asserted by Plaintiffs and may provide analysis of the opinions and conclusions drawn by Plaintiffs' experts, Dr. Donald House and Dr. Peter Boland. Dr. Wiggins's opinions are more fully described in his report, which is being served contemporaneously on all counsel of record. The basis and reasons for Dr. Wiggins's opinions and the data and other information considered by Dr. Wiggins in forming those opinions are also described in the contemporaneously served report. Dr. Wiggins's qualifications, including a list of all publications authored in the previous 10 years, as well as a list of all other cases in which Dr. Wiggins has testified as an expert at trial or by deposition during the previous 4 years, are also included in the report. The compensation to be paid for Dr. Wiggins's study and testimony is described in the report.

Peter Kongstvedt, MD, FACP
P.R. Kongstvedt Company LLC
PMB 426
1350 Beverly Road, Ste. 115
McLean, VA 22101-3633

Dr. Kongstvedt may testify regarding the claims and damages asserted by Plaintiffs and may provide analysis of the opinions and conclusions drawn by Plaintiff's experts, Dr. Donald House and Dr. Peter Boland. Dr. Kongstvedt's opinions are more fully described in his report, which is being served contemporaneously on all counsel of record. The basis and reasons for Dr. Kongstvedt's opinions and the data and other information considered by Dr. Kongstvedt in forming those opinions are also described in the contemporaneously served report. Dr. Kongstvedt's qualifications, including a list of all publications authored in the previous 10 years, as well as a list of all other cases in which Dr. Kongstvedt has testified as an expert at trial or by deposition during the previous 4 years, are also included in the report. The compensation to be paid for Dr. Kongstvedt's study and testimony is described in the report.

James A. Reeder, Jr.
Christopher V. Popov
Vinson & Elkins LLP
1001 Fannin Street, Suite 2500
Houston, TX 77002-6760
(713) 758-2202

Messrs. Reeder and Popov may testify regarding the reasonableness of any party's claims for attorneys' fees and expenses in connection with this litigation. Messrs. Reeder and Popov will testify on the basis of their experience, education, and training, their knowledge of the instant litigation, their knowledge of the market for legal services in the relevant specialties and geographic area(s), and any evidence which may be presented in connection with any party's claims for attorneys' fees and expenses. Copies of the current resumés of Messrs. Reeder and Popov were contemporaneously served on all counsel of record.

This description of each expert's expected testimony is intended to be general, not exhaustive. All designated experts may testify in rebuttal to evidence and testimony presented by Plaintiffs/Counter-Defendants and any of their witnesses. In addition, it is anticipated that

some fact witnesses not retained or specially employed for the purpose of rendering expert testimony on behalf of Phadia US Inc. and Thermo Fisher Scientific Inc. may give testimony in the nature of an opinion or a combination of fact and opinion testimony in their respective disciplines, and that such testimony would be based on their education, experience, and training.

Dated: June 8, 2016

Respectfully submitted,

VINSON & ELKINS LLP

/s/ James A. Reeder, Jr.

James A. Reeder, Jr.

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**ATTORNEYS FOR DEFENDANTS
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SCIENTIFIC INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this instrument has been served on all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2) on this 8th day of June, 2016.

/s/ Michelle K. Arishita

Michelle K. Arishita

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